

## CRIMINAL ENFORCEMENT- NEW CASES

### **BACKGROUND:**

- Most criminal case measures began to decline after FY 2011.
- EPA has reversed that trend. Criminal case openings increased in FY 2018 and increased again in FY 2019.

- **Case Examples:**

#### Washakie Renewable Energy (WRE), LLC

On July 19, 2019, the Kingston family admitted to defrauding the U.S. of over \$500 million in renewable-fuel tax credits. EPA CID agents uncovered the criminal enterprise involving transactions among Kingston-controlled companies to create the illusion of renewable fuel that did not exist.

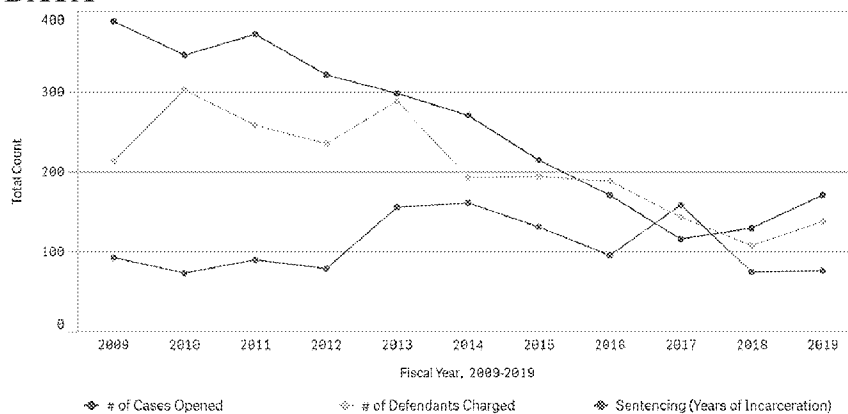
#### Davis Research/John Couey

On January 16, 2020, John Couey, a lab operator hired to test water samples to help ensure water quality for dozens of towns throughout the Mississippi Delta, was sentenced to 18 months in prison for submitting false statements and lab results to the Mississippi Department of Environmental Quality. Couey falsified over 1,000 laboratory reports to demonstrate CAA compliance.

#### Monsanto Company

On December 16, 2019, Monsanto pleaded guilty and was sentenced for illegally using a banned pesticide known as PennCap-M on research crops at one of its Maui, HI facilities. Monsanto was sentenced to pay \$10 million – a \$6 million criminal fine and \$4 million in community service.

- **DATA**



- New Cases Opened: Increased (+41) from 129 in FY 2018 to 170 in FY 2019
- Defendants Charged: Increased (+34) from 107 in FY 2018 to 141 in FY 2019
- Defendants Convicted: Increased (+24) from 99 in FY 2018 to 123 in FY 2019
- Defendants Sentenced: Increased (+8) from 101 in FY 2018 to 109 in FY 2019
- Years of Incarceration: Increased (+1) from 75 years in FY 2018 to 76 years in FY 2019
- Fines: Increased (+\$20.8M) from \$27.6M in FY 2018 to \$48.4M in FY 2019
- Restitution: Increased (+\$1M) from \$59M in FY 2018 to \$60M in FY 2019
- Court-Ordered Enviro Projects: Increased (+\$200K) from \$1.5M in FY 2018 to \$1.7M in FY 2019

**KEY POINT:**

- All eight-key metrics for the criminal program increased in FY 2019.

**TALKING POINTS:**

- For the first time since 2011, the EPA Criminal Enforcement Program increased across all eight key areas measured by EPA.
- We increased the number of new cases opened, defendants charged, defendants convicted, defendants sentenced, years of incarceration, and fines, restitution, and court ordered environmental projects.